

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Christopher Chad Duncan,

Plaintiff,

v.

Officer Cobb,

Defendant.

Case No. 0:22-cv-3174-RMG

ORDER AND OPINION

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge, recommending that the Court grant Defendant’s motion for summary judgment because Plaintiff has failed to identify evidence that a reasonable jury could find that Defendant’s alleged statements created any risk of sexual assault by other inmates. (Dkt. No. 77 at 6-9). Defendant was given notice that he had a right to file specific written objections to the R & R within 14 days of receipt and if he failed to do so the Court would conduct a limited review for clear error and Defendant would waive his right to appeal from the District Court’s Order. (*Id.* at 9). Defendant did not file objections to the R & R. The Court adopts the R&R as the Order of the Court and grants Defendant’s motion for summary judgment.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation,” *see Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310,

315 (4th Cir. 2005) (internal quotation omitted), and this Court is not required to give any explanation for adopting the recommendation of the Magistrate Judge, *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

After a careful review of the record in this matter and the R&R, the Court finds that the R&R ably summarizes the legal and factual issues in this matter and correctly concluded that Defendant's motion for summary judgment should be granted.

The Court adopts the R&R of the Magistrate Judge (Dkt. No. 77) as the Order of the Court and grants Defendant's motion for summary judgment. This action is dismissed with prejudice.

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard M. Gergel
United States District Judge

December 11, 2023
Charleston, South Carolina